

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: ROBERT L. HIGGINS, Debtor	Case No.: 16-13543 (mdc) Chapter 13
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AMENDED EXPEDITED MOTION FOR CLARIFICATION

Movant, Donald Parker Separate Property Trust (the “Trust”), by and through its counsel, hereby requests that the Court clarify the Order it entered on this case on January 26, 2022.

1. This Court held an evidentiary hearing on the Trust’s Motion to Annul the Automatic Stay on January 7, 2022 at 1:30 pm. The Court had ordered in October that it wanted evidence that the Trust had served Robert Higgins with a Complaint it filed in June 2015 in Superior Court in California (“California Complaint”). The Trust presented three witnesses, the server of the Complaint, Julio Nunez, and two attorneys who represented Donald Parker, one of whom is a co-trustee of the Trust. Defendant presented no evidence or witnesses.
2. After the Court ruled that it would annul the stay it noted that in fact, the Court was finding that the Trust’s claim was not discharged by the Court. See Disk transcript 2:04; 2:09:40 (“finding he was served”); 2:12:33 (“not discharged”); 2:13:32 (“Based on the totality of the circumstances...allow Nunc Pro Tunc and ... this claim rode through-not discharged”); 2:16:12; 2:17 (“there is no discharge”), 2:18:13.
3. The Court found, among other things, that the Debtor was served with the California Complaint and that the Debtor did not present any evidence. At the end of the hearing, the

Court stated that it would make a ruling on of the issues, annulling of the stay and the fact that the claim was not discharged.

4. On January 25, 2022, the Court issued an Order that correctly annulled the Automatic Stay. However, the January 25, 2022 Order omitted any mention of the Court's ruling on January 7 that the Trust's claim against the Debtor is not discharged as Judge Coleman ordered at the hearing. See *infra*, paragraph 2.
5. Expedited relief is requested because there is a sheriff's sale of the Debtor's real estate in Chester County, PA on February 17, 2022, and Movant needs to transfer its judgment immediately, and in no event later than February 16, 2022.

WHEREFORE, the Trust respectfully requests that the Court amend the January 7th Order or enter the Order attached to this Motion to Clarify that includes Judge Coleman's ruling that the Trust's claim is not discharged by the Debtor.

FINEMAN KREKSTEIN & HARRIS PC

/s/ Deirdre M. Richards
By: Deirdre M. Richards (#57712)
1801 Market Street, Suite 1140
Philadelphia, PA 19103
Telephone: (215) 893-8703
drichards@finemanlawfirm.com

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